

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF
MASSACHUSETTS, ATTORNEY
GENERAL DANA NESSEL ON BEHALF
OF THE PEOPLE OF THE STATE OF
MICHIGAN, STATE OF ILLINOIS,
STATE OF ARIZONA, STATE OF
CALIFORNIA, STATE OF
CONNECTICUT, STATE OF COLORADO,
STATE OF DELAWARE, STATE OF
HAWAI'I, STATE OF MAINE, STATE OF
MARYLAND, STATE OF MINNESOTA,
STATE OF NEW JERSEY, STATE OF
NEW YORK, STATE OF NEVADA,
STATE OF NEW MEXICO, STATE OF
NORTH CAROLINA, STATE OF
OREGON, STATE OF RHODE ISLAND,
STATE OF VERMONT, STATE OF
WASHINGTON, and STATE OF
WISCONSIN,

Plaintiffs,

v.

NATIONAL INSTITUTES OF HEALTH;
MATTHEW MEMOLI, M.D., M.S., in his
official capacity as Acting Director of the
National Institutes of Health; U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; and DOROTHY
FINK, in her official capacity as Acting
Secretary of the U.S. Department of Health
and Human Services,

Defendants.

Case No. 1:25-cv-10338

DECLARATION OF KATHERINE DIRKS

I, Katherine Dirks, an attorney admitted to practice before this Court, do hereby state the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am Deputy Chief of the Government Bureau in the Office of the Attorney General for the Commonwealth of Massachusetts, and I appear on behalf of the Commonwealth of Massachusetts in this action.

2. I submit this declaration in support of Plaintiff States' Motion for a Temporary Restraining Order, pursuant to Federal Rule of Civil Procedure 65.

3. The facts set forth herein are based upon my personal knowledge or a review of the files in my possession.

4. I have attached to this declaration true and correct copies of publicly promulgated or issued documents and factual declarations, as follows:

5. Attached hereto as Exhibit 1 is NIH Notice NOT-OD-25-068, available at https://grants.nih.gov/grants/guide/notice-files/NOT-OD-25-068.html#_ftnref1.

6. Attached hereto as Exhibit 2 is OMB, *Major Savings and Reforms: Budget of the U.S. Government, Fiscal Year 2018* (2017) (excerpts), available at <https://www.govinfo.gov/content/pkg/BUDGET-2018-MSV/pdf/BUDGET-2018-MSV.pdf>.

7. Attached hereto as Exhibit 3 is OMB, *Major Savings and Reforms, Budget of the U.S. Government, Fiscal Year 2020* (2019) (excerpts), available at <https://www.govinfo.gov/content/pkg/BUDGET-2020-MSV/pdf/BUDGET-2020-MSV.pdf>.

8. Attached hereto as Exhibit 4 is NIH Notice NOT-OD-24-110, *Notice of Legislative Mandates in Effect for FY 2024*, available at <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-24-110.html>.

9. Attached hereto as Exhibit 5 is a statement posted on social media by NIH on Feb. 9, 2025, available at <https://x.com/NIH/status/1888004759396958263>.

10. Attached hereto as Exhibit 6 is a *Why Should I Participate in a Clinical Trial?*, Nat'l Insts. of Health, <https://www.nih.gov/health-information/nih-clinical-research-trials-you/why-should-i-participate-clinical-trial> (last visited Feb. 9, 2025).

11. Attached hereto as Exhibit 7 is a Declaration of Ken A. Dill, of the State University of New York.

12. Attached hereto as Exhibit 8 is a Declaration of Rafael Jaime, of the United Automobile, Aerospace and Agricultural Implement Workers of America, Local 4811.

13. Attached hereto as Exhibit 9 is a Declaration of Theresa A. Maldonado, of the University of California.

14. Attached hereto as Exhibit 10 is a Declaration of Cassandra Mosely, of Colorado State University.

15. Attached hereto as Exhibit 11 is a Declaration of Donald M. Elliman, Jr., of Colorado Anschutz Medical Campus.

16. Attached hereto as Exhibit 12 is a Declaration of Justin Schwartz, of the University of Colorado Boulder.

17. Attached hereto as Exhibit 13 is a Declaration of Dr. Pamir Alpay of the University of Connecticut.

18. Attached hereto as Exhibit 14 is a Declaration of Michael C. Crair of Yale University.

19. Attached hereto as Exhibit 15 is a Declaration of Dr. Tony Allen, of Delaware State University.

20. Attached hereto as Exhibit 16 is a Declaration of Miguel Garcia-Diaz, of the University of Delaware.

21. Attached hereto as Exhibit 17 is a Declaration of Dr. Gireesh Gupchup, of Southern Illinois University.

22. Attached hereto as Exhibit 18 is a Declaration of Dr. Joseph T. Walsh, Jr., of the University of Illinois System.

23. Attached hereto as Exhibit 19 is a Declaration of Denise Barton, of the University of Massachusetts.

24. Attached hereto as Exhibit 20 is a Declaration of Dr. Bruce E. Jarrell, of the University of Maryland, Baltimore.

25. Attached hereto as Exhibit 21 is a Declaration of Dr. Darryl J. Pines, of the University of Maryland, College Park.

26. Attached hereto as Exhibit 22 is a Declaration of Ryan Low, of the University of Maine System.

27. Attached hereto as Exhibit 23 is a Declaration of Arthur Lupia, of the University of Michigan.

28. Attached hereto as Exhibit 24 is a Declaration of Douglas A. Gage, Ph.D., of Michigan State University.

29. Attached hereto as Exhibit 25 is a Declaration of Ezemanari M. Obasi, Ph.D., of Wayne State University.

30. Attached hereto as Exhibit 26 is a Declaration of Jennifer Redford, of Princeton University.

31. Attached hereto as Exhibit 27 is a Declaration of J. Michael Gower, of the State University of New Jersey (“Rutgers”).

32. Attached hereto as Exhibit 28 is a Declaration of James Paul Holloway of the University of New Mexico.

33. Attached hereto as Exhibit 29 is a Declaration of Gloria J. Walker, of Nevada State University.

34. Attached hereto as Exhibit 30 is a Declaration of David W. Hatchett, of the University of Nevada, Las Vegas.

35. Attached hereto as Exhibit 31 is a Declaration of Ben Friedman, of the State University of New York.

36. Attached hereto as Exhibit 32 is a Declaration of Peter Barr-Gillespie, Ph.D., of Oregon Health and Science University.

37. Attached hereto as Exhibit 33 is a Declaration of Dr. Bethany Diane Jenkins, of the University of Rhode Island.

38. Attached hereto as Exhibit 34 is a Declaration of Dr. Greg Hirth, of Brown University.

39. Attached hereto as Exhibit 35 is a Declaration of Todd Conklin, of Care New England Health System.

40. Attached hereto as Exhibit 36 is a Declaration of Bharat Ramratnam, M.D., of Lifespan Corporation d/b/a Brown University Health.

41. Attached hereto as Exhibit 37 is a Declaration of Katherine Tracy, of the University of Nevada.

42. Attached hereto as Exhibit 38 is a Declaration of Kirk Dombrowski, of the University of Vermont and State Agricultural College.

43. Attached hereto as Exhibit 39 is a Declaration of Mari Ostendorf, of the University of Washington.

44. Attached hereto as Exhibit 40 is a Declaration of Leslie Anne Brunelli, of Washington State University.

45. Attached hereto as Exhibit 41 is a Declaration of Dorota Grejner-Brzezinska, of the University of Wisconsin-Madison.

46. Attached hereto as Exhibit 42 is a Declaration of Kristian O'Connor, of the University of Wisconsin-Milwaukee.

47. Attached hereto as Exhibit 43 is a Declaration of Jeni Kitchell, of California State University.

Dated: February 10, 2025
Boston, MA

/s/ Katherine Dirks
Katherine Dirks
Deputy Chief, Government Bureau
Office of the Attorney General, Massachusetts

CERTIFICATE OF SERVICE

I, Chris Pappavaselio, certify that on February 10, 2025, I provided a copy of the foregoing document and its attachments to the following individuals at the U.S. Department of Justice:

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/s/ Chris Pappavaselio
Chris Pappavaselio
Assistant Attorney General